

DFEH News Brief

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LAW SCHOOL ADMISSIONS COUNCIL SETTLES DISABILITY DISCRIMINATION CASE; AGREES TO GRANT APPLICANT WITH ADHD TIME AND A HALF FOR LSAT EXAM

Elk Grove, CA – The Department of Fair Employment and Housing (DFEH or Department) announced today the settlement of a disability discrimination complaint filed against the Law School Admissions Council for its alleged failure to accommodate a test applicant with Attention Deficit Hyperactivity Disorder (ADHD).

Erika Ewing filed a complaint with the DFEH alleging that the Law School Admissions Council (LSAC) violated the Unruh Civil Rights Act, which provides that all Californians, regardless of disability or other characteristic protected by the Act, are entitled to equal advantages and services in all establishments doing business in California. The Department filed an accusation on behalf of Ms. Ewing alleging that LSAC violated the law by refusing to modify its testing procedures to accommodate Ms. Ewing's learning disability.

"It is important that all Californians have an equal opportunity to accomplish their dreams, especially through education," said DFEH Director Phyllis Cheng. "Standardized tests are the gateways to higher education, and applicants with a disability are entitled to reasonable accommodation under the law so they can compete on a level playing field to enter their chosen profession."

According to the accusation, Ms. Ewing was diagnosed with ADHD at a young age and received testing accommodations throughout her educational history. After graduating from college in New York, Ms. Ewing moved to the San Francisco Bay Area with aspirations of becoming an attorney, and registered to take the Law School Admissions Test (LSAT) administered by LSAC. Ms. Ewing requested an accommodation of one and one half time to take the exam and allegedly provided LSAC documentation to support her request and prove she has a learning disability. The accusation further alleged that LSAC denied her request without providing justification, forcing Ms. Ewing to take the LSAT without accommodation. Over three years, Ms. Ewing registered for the LSAT nine times and took the exam four times. Each time she was denied an accommodation after submitting documentation of her disability and need for extra testing time, allegedly resulting in her hindered performance and lowered scores.

Although the organization does not admit liability, LSAC will give Ms. Ewing one and one half as much time as nondisabled applicants to take the September 2009 LSAT.

LSAC also has agreed to extend the deadline to use an exam fee waiver it previously issued Ms. Ewing for a prior testing date.

“This case should remind standardized-test providers that they must reasonably accommodate test takers with learning disabilities,” said DFEH Director Phyllis Cheng.

The mission of the DFEH is to protect the people of California from unlawful discrimination in employment, housing, and public accommodations and from hate violence. For more information, visit our Web site at www.dfeh.ca.gov.

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